IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2155 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHANIYAL DYEING & PRINTING MILLS (P) LTD.,

Versus

GUJARAT STATE FINANCIAL CORPORATION

Appearance:

MR NK MAJMUDAR for Petitioner

MR RD DAVE for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/07/2000

ORAL JUDGEMENT

Having heard the learned counsel for the parties, I am satisfied that when the petitioner is a sick unit and its application is pending before BIFR, this writ petition is difficult to entertain. Once, the matter is pending

before BIFR, it is a matter where if any recovery is to be effected, it can be taken care of by petitioner by referring to provisions of Section 22 of Sick Industrial Companies (Special Provisions) Act, 1985. It is also open to the petitioner to bring this fact to the notice of the Board for Industrial & Financial Reconstruction. The special civil application is dismissed. Rule discharged. Interim relief, if any granted stands vacated. Still, if there is some difficulty in the way of the petitioner in the matter, it is open to the petitioner to apply for revival of the special civil application.

(S.K.Keshote, J.)

(sunil)